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Notice of Allowability

Application No.

10/725,228

Applicant(s)

HAWKINS, BOBBY L.

Examiner

Jimmy T. Nguyen

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/17/05.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


 MORRIS H. BANKS
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney James Bagarazzi on December 06, 2005.

The application has been amended as follows:

Claims 14-17 have been canceled.

Claims 1-13 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious an apparatus for receiving trash and compacting the received trash comprising: a frame and a trash by-pass chute disposed in a housing; a hatch disposed to control physical access through the trash by-pass chute; a hatch stop disposed at an entrance of the trash by- pass chute; an actuator mechanism connected to the hatch stop, wherein *the actuator mechanism including a cable spool rotatably mounted to the frame and a cable having one end connected to the spool and an opposite end connected to the hatch stop*, in combination with the rest of the claimed limitations.

US 4,130,054 to Tashman discloses a compacting apparatus comprising a trash opening (64) defined through a top of the housing of the apparatus (fig. 2); a trash by-pass chute (63); a compacting mechanism (88); and a hatch (74) disposed to control physical access through the chute. Tashman does not disclose a hatch stop disposed at the entrance of the chute and an actuator mechanism having a cable spool for selectively actuate the hatch stop. Accordingly, Tashman fails to anticipate or render obvious the claimed invention as set forth in claim 1.

US 3,901,139 to Moriconi discloses a compacting apparatus comprising: a chute (63), a compacting mechanism (24-26); a hatch (32); a hatch stop (42); and an actuator mechanism (34, 36-38) connected to the hatch stop (fig. 8). Moriconi does not disclose that the actuator mechanism including a cable spool mounted to the frame, a cable having one end connected to the spool and an opposite end connected to the hatch stop, and a trash opening defined through the top of the housing of the apparatus. Accordingly, Moriconi fails to anticipate or render obvious the claimed invention as set forth in claim 1.

US 5,517,907 to Fox discloses a compacting apparatus comprising an actuator mechanism (30, 46, and 54); and an actuator mechanism including a spool (151) for actuating a hatch (114). Fox does not disclose a trash opening defined through the top of the housing of the apparatus, a chute, and a hatch stop. Accordingly, Fox fails to anticipate or render obvious the claimed invention as set forth in claim 1.

None of the above reference discloses *a cable spool rotatably mounted to the frame and a cable having one end connected to the spool and an opposite end connected to the hatch stop* in order to selectively actuate the hatch stop to hold the latch in closed orientation with respect to the chute. Thus claim 1 contains allowable subject matter over the art of record.

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Neither the prior art of record alone or in combination thereof discloses the claimed invention as set forth in claim 1. Therefore, claim 1 and its dependent are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
December 06, 2005



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